

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

LEROY STEVENSON,

Petitioner,

v.

BOWIE COUNTY, TEXAS,

Respondent.

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CIVIL ACTION NO. 5:17-CV-00213

MEMORANDUM OPINION AND ORDER

The Court previously referred this petition for writ of habeas corpus to the Honorable Caroline M. Craven, United States Magistrate Judge. The Magistrate Judge has entered a Memorandum Opinion and Order Regarding Venue providing that this matter be transferred to the Northern Division for the Eastern District of Arkansas. Docket Nos. 3 & 4. Petitioner has filed Objections to the Memorandum Opinion and Order. Docket No. 6.

The Magistrate Judge's Memorandum Opinion and Order involved a nondispositive matter. A District Judge may reconsider any such order where it is shown that the order is clearly erroneous or contrary to law. *Castillo v. Frank*, 70 F.3d 382, 385 (5th Cir. 1995); 28 U.S.C. § 636(b)(1)(A).

Petitioner is incarcerated pursuant to a judgment filed in Case Number 94-425 in the Circuit Court of Craighead County, Arkansas. Petitioner states he has been forcibly transferred from the custody of the Arkansas Department of Corrections to the Bowie County Correctional Center in Texarkana, Texas. He states this action was taken pursuant to an order from the director of the Arkansas Department of Corrections. Petitioner states no charges have been filed against him in Texas and complains that his transfer to the Bowie County Correctional Center violates the orders of the Arkansas state court where he was convicted. The Magistrate Judge concluded the petition

should be transferred to the Eastern District of Arkansas because his incarceration is the result of his conviction in an Arkansas state court.

In his objections, Petitioner merely states he opposes the transfer as the petition deals with Texas defendants and matters of Texas law, in addition to unidentified constitutional provisions.

After careful consideration, the Court is of the opinion that the Magistrate Judge's Memorandum Opinion and Order was not clearly erroneous or contrary to law. This Court and the Eastern District of Arkansas have concurrent jurisdiction over this petition.¹ As Petitioner's incarceration in the Bowie County Correctional Center is due to his conviction in an Arkansas state court and is not the result of any process issued by a Texas state court, it would be more appropriate to have this petition adjudicated in the federal judicial district where a challenge to Petitioner's Arkansas conviction would be asserted. The Magistrate Judge therefore correctly concluded this petition should be transferred. It is, therefore,

ORDERED that Petitioner's objections to the Memorandum Opinion and Order Regarding Venue are **OVERRULED**. It is further **ORDERED** this petition is **TRANSFERRED** to the Northern Division for the Eastern District of Arkansas.

So ORDERED and SIGNED this 12th day of January, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE

¹ Title 28 U.S.C. § 2241(d) provides that a habeas petition may be filed in either the federal judicial district where the petitioner was convicted or the judicial district where he is incarcerated.